

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72655

Eugene H. McGeeney
Tammy L. McGeeney
6607 Golden Ring Road
Baltimore MD 21237

932 Middlesex Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 28, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 3-6-401, 402; 13-7-310, 312; 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to comply with the Hearing Officer's ruling, failure to cease open dump, failure to properly store trash in containers with tight fitting lids on residential property zoned DR 10.5 known as 932 Middlesex Road, 21221.

On March 29, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$600.00 (six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years, and pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. On March 31, 2010, a civil penalty of \$500.00 was billed to Respondents after they failed to correct similar code violations. A Final Order issued March 8, 2010 imposed the \$500.00 civil penalty and gave Respondents the opportunity for a \$100.00 reduced penalty if the violations were corrected by March 25, 2010, but Respondents failed to correct the violations.

B. Photographs in the file show garbage cans overflowing with bagged garbage and no lids. Photographs also show an old dishwasher in the rear yard, and an old tire in the rear yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection on April 27, 2010 found no improvement. All junk, trash and debris must be removed from the yard, and all garbage must be properly stored in cans with tight lids.

C. Respondents have failed to respond to multiple notices and citations, despite being billed a substantial civil penalty for the continued code violations. The County will be authorized to remove the junk, trash and debris, at the property owner's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of removing all junk, trash, and debris, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 6th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf